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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/090,071	06/03/98	MILLER	R 60.115344

LM02/0602  
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EXAMINER

NGUYEN, K

ART UNIT

PAPER NUMBER

2774

DATE MAILED:

06/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/090,071

Applicant(s)

MILLER, ROBIN MIHEKUM

Examiner

Kevin M. Nguyen

Art Unit

2774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5-9, 12, 13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-9, 12, 13 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. The amendment filed on 5/1/2000 is entered. The rejection of claims 5-9, 12, 13 and 16 are maintained.

#### *Drawings*

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5-9, 12, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts (U.S. Patent No. 5,005009).

5. As to claims 5-9, 12, 13 and 16, Roberts teaches lights 13 at predetermined positions relative to the windshield 10 (see figure 1, column 5, lines 25-38), the primary reflected image being enhanced by greatly improving the contrast relative to the background lighting conditions (see column 4, lines 48-53). Ambient light 18 passes through the windscreen 10 and directly illuminates the instrument indicators 14 as well as the observer 11 (see figure 1, column 6, lines 20). The small tint field 12, which controls increase and modifies the contrast, may be smaller than the total area of the windscreen 10 (see figure 3, column 5, lines 51-54). Accordingly, lights 13 corresponds to a source as claimed.

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Roberts teaches any remotely controlled device for recording and / or transmitting visual information, such as camera, video recorder, a television camera, etc., not shown, can be remotely located in the position of the operator 11 as illustrated in figure 1 (column 6, lines 8-15).

Roberts teaches lights 13 are placed in front of or behind the instrument display 14 (column 5, lines 8-25).

### *Response to Arguments*

7. Applicant argues that claim 5 recites an “optical detector, such as camera, is provided for capturing an image of the environment approaching the vehicle and a control is coupled to the optical detector for controlling the heads-up display to contrast with the approaching image”. This argument is not persuasive because Roberts’ invention teaches “the transmitting visual information, such as a camera was controlled by any remotely controlled device”. These arguments are not persuasive because a camera was taught by Roberts to capture the image of the environment approaching the vehicle.

Applicant argues that claim 9 recites a “light source adjacent an area of the windshield which is provided...onto the area”. This argument is not persuasive because Roberts’ invention teaches “lights 13 are placed in front of or behind the instrument display 14”. These arguments are not persuasive because the relocation of a well-known element is normally not directed toward patentable subject matter, In re Japikse, 86 USPQ 70 (CCPA 1950).

For these reasons, the rejections based on Roberts have been maintained.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,731,902 Williams et al

U.S. Patent No. 5,708,410 Blank et al

U.S. Patent No. 5,661,454 Bezard et al

U.S. Patent No. 5,867,287 William et al

These references are made of record as describing head up display/ camera.

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 703-305-6209. The examiner can normally be reached on Monday to Friday, 8am-5pm.

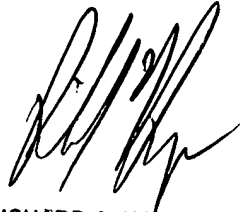
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 703-305-4709. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*Kevin M. Nguyen*

May 10, 2000



RICHARD A. HJERPE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700